

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 6 – SB 570

April 17, 2013

SUMMARY OF ORIGINAL BILL: Authorizes faculty or staff members to possess firearms on school property provided certain requirements are met. Individuals possessing firearms on school property must: be authorized to possess and carry a firearm pursuant to Tenn. Code Ann. § 39-17-1351; have written permission from the director of schools; have successfully completed a 40-hour training course in basic school police training at least 12 months prior to seeking carry authorization; and use only frangible bullets or other ammunition approved by the Peace Officers Standards and Training Commission (POST) for use in a confined space. Requires all training to be approved by the local education agency (LEA) and any training expenses shall be paid by the trainee. Holds LEAs harmless from liability in any civil action for damages, injuries, or death that may result from a faculty or staff member's actions involving a firearm on school property, unless the local board of education or superintendent knew of or intentionally solicited or procured the action from which harm resulted.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$1,000,000/Permissive

SUMMARY OF AMENDMENTS (006762, 007169): Amendment 006762 deletes all language after the enacting clause. Authorizes faculty and staff members or a person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the local education agency to carry firearms on school property provided certain requirements are met. Such individuals must be authorized to possess and carry a firearm pursuant to Tenn. Code Ann. § 49-17-1351; have written permission from the director of schools; be a current or prior law enforcement officer; be in compliance with all laws, rules, and regulations of the Peace Officers Standards and Training Commission; and have completed 40 hours in basic training in school policing as required by Tenn. Code Ann. § 49-6-4217. Requires a director of schools to notify the chief of the appropriate law enforcement agency within 10 days after authorizing individuals to carry a firearm in a school. Written documentation relating to individuals carrying firearms on school property shall be confidential and not open for public inspection. Directs that nothing in Tenn. Code Ann. § 49-3-315 shall be construed to require a local education agency or county law enforcement agency to assign a school resource officer to any city school system located within the county on the basis of the weighted full-time equivalent average daily attendance (WFTEADA). Directs that the providing

of security or school resource officers by a county sheriff shall be considered a law enforcement function and shall not be considered a school operation or maintenance purpose that would require an apportionment of funds pursuant to Tenn. Code Ann. § 49-3-315.

Amendment 007169 amends Section 1 of Amendment 006762. Requires individuals carrying firearms on school property to have written authorization from the director of schools in conjunction with the school's principal. Requires all records pertaining to the carrying of firearms on school property to be confidential and not open to the public.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase Local Expenditures – Exceeds \$2,000,000/Permissive

Assumptions for the bill as amended:

- According to the Department of Safety, there will not be a significant increase in the number of applications for a handgun carry permit. Any increase in state revenue is estimated to be not significant.
- According to the Department of Education, additional insurance will be purchased by LEAs that elect to authorize employees to carry firearms on school property. The permissive increase in LEA expenditures for additional insurance is estimated to exceed \$1,000,000.
- Additional law enforcement personnel may be hired through memorandums of understanding. According to the Department of Education, expenses for a full-time school resource officer (SRO) range from \$50,000 to \$75,000 with salary, benefits, training, and equipment.
- Minimum recurring expenses of \$50,000 per SRO.
- There are 1,784 schools and an estimated 700 SROs.
- If 20 additional SROs were hired by LEAs through memorandums of understanding, the permissive increase in local expenditures is estimated to be \$1,000,000 (\$50,000 x 20).
- Any increase in local government expenditures for additional litigation fees cannot be reasonably quantified.
- The total permissive and recurring increase in local government expenditures is estimated to exceed \$2,000,000 (\$1,000,000 for insurance + \$1,000,000 for personnel).
- Retired law enforcement officers who are members of the Tennessee Consolidated Retirement System and who are authorized to carry firearms on school grounds under the requirements of this bill as amended will not be authorized to draw retirement benefits while they are employed by the LEA or law enforcement agency.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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